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To: Hon. Commissioner of Patents
Attn: Examiner James A. Reagan
Group: 3621

From: Donald E. Stout

Fax: (703) 746-8144

Pages: 16 pgs.

Phone: (703)

Date: August 25, 2004

Re: U.S. Serial No. 09/725,935

CC:

Filed: Novembre 30, 2000

ATS&K Ref: 0171.39361X00

☐ Urgent ☒ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

• **Comments:**

At the request of Examiner Reagan the following documents are facsimiled herewith:

- (1) Final Rejection of February 11, 2004 (19 pgs.)
- (2) Fee Transmittal, Credit Card Payment form, Petition for Extension of Time and Notice of Appeal (4 pgs.)
all submitted to the U.S. PTO on August 11, 2004

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PTO/SB/17 (10-03)

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**FEE TRANSMITTAL
for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$1,280.00)**METHOD OF PAYMENT (check all that apply)**☐ Check ☒ Credit Card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit Account Number: 01-2135
Deposit Account Name: Antonelli, Terry, Stout & Kraus, LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) during the pendency of this application.☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee	Small Entity Fee	Fee Description	Fee Paid
Code (\$)	Code (\$)		
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 630	2003 266	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1)**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

	Extra Claims	Fee from below	Fee Paid
Total Claims	-20** =	x	=
Indep. Claims	-3** =	x	=
Multiple Dependent			=

Large Entity Fee	Small Entity Fee	Fee Description
Code (\$)	Code (\$)	
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) \$

**or number previously paid, if greater; For Reissues, see above.

Complete if Known

Application Number: 09/725,935
 Filing Date: 11/30/2000
 First Named Inventor: Stephane BOUET et al
 Examiner Name: James A. Reagan
 Art Unit: 2131
 Attorney Docket No.: 0171.39361X(10)

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Fee	Small Entity Fee	Fee Description	Fee Paid
Code (\$)	Code (\$)		
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examination action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	950.00
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	330.00
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,530	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility Issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1408 130	1450 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1808 180	1808 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

1,280.00

SUBMITTED BY**Complete (if applicable)**

Name (Print/Type): DONALD E. STOUT
 Signature: *[Signature]*
 Registration No. (Attorney/Agent): 09/725,935
 Telephone: (703) 312-6800
 Date: 08/10/2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

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0171.39361X00

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of: Stephane BOUET et al
Serial No.: 09/725,935
Filed: November 30, 2000
For: A METHOD OF AND A SYSTEM FOR
 DISTRIBUTING ELECTRONIC CONTENT
Art Unit: 3621
Examiner: James A. Reagan

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

August 11, 2004

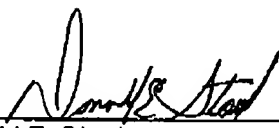
Sir:

Applicants hereby appeal to the Board of Appeals from the decision dated February 11, 2004
of the Primary Examiner finally rejecting claims 1, 3-6 and 8-31.

The item(s) checked below are appropriate:

- ☒ 1. A three-month extension of time to respond to the Final Rejection is being filed concurrently herewith.
- ☒ 2. A timely response to the Final Rejection has been filed on May 6, 2004 as provided in 841 O.G. 1411.
- ☒ 3. Fee – \$330.00 is enclosed. A Credit Card Payment form is also attached hereto. Please charge to Deposit Account No. 01-2135 for any insufficiency in the fee. (One additional copy of this Notice is enclosed.)
- ☐ 4. An oral hearing is hereby respectfully requested.

Signature (Rule 191(b))....


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UNITED STATES PATENT AND TRADEMARK OFFICE

0176 39361X00
Final Rejection NOA 8/11/04
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/725,935	11/30/2000	Stephane Bouc	017.39361X00	2892
20437	7590	02/11/2004	EXAMINER	
ANTONELLI, TERRY, STOUT & KRAUS, LLP 1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209-9889			LE, DAVID Q	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 02/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary**Application No.**

09/725,935

Applicant(s)

BOUET ET AL.

Examiner

David Q Le

Art Unit

3621

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03/31/2003, 08/19/2003, 09/29/2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6 and 8-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-6 and 8-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (FTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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DETAILED ACTION***Examiner's Note***

1. Examiner has pointed out particular references contained in the prior art of record in the body of this Action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is requested from the Applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Reexamination

2. Applicant's petition filed on 29 September 2003 for withdrawal of the finality of the rejection of the last Office action (19 June 2003) and the request for reconsideration filed on 19 August 2003 have been considered and deemed persuasive and, therefore, the finality of that action is withdrawn.

However, Applicant's amendment filed on 31 March 2003 necessitated the new grounds of rejection presented in the instant Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Status of Claims

3. Claims 2 and 7 are cancelled as requested in Amendment filed 31 March 2003
Claims 1, 3, 5, 8, 15, 16, and 19 are amended per the same Amendment.
Claims 20-31 are added per the same Amendment.
Claims 1, 3-6, 8-31 remain pending.

Drawings

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4. Formal drawings (Fig 1-8) were received on 31 March 2003. These drawings have been forwarded to Draftsperson for review.

Request for reconsideration

5. The requests for reconsideration filed on 31 March, 19 August, and 29 September 2003 (Papers No. 6, 10 and 12 respectively) under 37 CFR § 1.111 have been considered but are ineffective to overcome the references cited in the first Office Action.

Response to arguments

6. Applicant's arguments have been fully considered but they are not persuasive.

A. In regards to the argument that the grounds of rejection in the June 19, 2003 Office action are unclear:

The first Office action (Paper No. 5, December 30, 2002) rejected claims 1, 15-16 under 35 USC 102(b) as being anticipated by either Martineau or Ginter.

The second Office action (Paper No. 8, June 19, 2003) Office action used different grounds of rejection, wherein the case was made that claims 1, 3, and 6-18 were unpatentable over either Martineau or Ginter, rejections made under 35 USC 103(a).

The confusion arose from a mistyped paragraph in the second Office action stating that claims 1, 3, 6-18 were rejected under 35 USC 102 (b), while the section header stated "Claim Rejections – 35 USC 103", and the presentation of the rejections used obviousness and motivation analyses typical of 35 USC 103(a) rejections.

This problem will be corrected in the instant Office action. The new claim rejections are made on different grounds than in the original Office action: they are 35 USC 103(a) rejections, while the original

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rejections were 35 USC 102(b). Issues raised in Applicant's arguments as to the merits of the Martineau and Ginter references will be addressed in the rejections themselves.

B. In regards to the problem with the Nokia reference:

The Nokia Mobile Phones Ltd reference was submitted in the original Information Disclosure Statement filed with the application (Paper No. 4, March 28, 2001). The reference was an International Patent Publication No. WO 00/18025. There was a typographical error in both the first and second Office actions referring to this reference as WO 00/18205, a transposition of two consecutive numbers. This problem is now corrected in the instant Office action. The correct document number for the Nokia reference is WO 00/18025.

C. In regards to the merits of the Ginter reference:

Applicant's argument here is the assertion that Ginter does not teach using "tailoring information" to define what electronic is able to be transferred, a period of time during which the electronic content may be transferred, and whether the defined electronic content is able to be transferred by a terminal device to another terminal device. In addition, Applicant argues that Ginter is only concerned with controlling the "use" electronic content, not its "transfer".

Examiner disagrees with this reading of Ginter. In addition to all the citations used in the previous Office actions to reject this claimed feature, Examiner would like to cite Cols 299 – 302 of Ginter, where an example of "Secure Document Management" is illustrated. In this section, Ginter teaches that his invention may control

1. the use and distribution (i.e. transfer) of electronic content (C299, L14-33: "control access, distribution, and/or other rights to documents"; "control how [others] may use, including change, briefs"; "electronically file briefs").

2. the access, use, and distribution permissions granted to each individual or node in the system's architecture (C299, L42-59: "only those members ... who possess a VDE instance, an appropriate [permissions control information set] PERC, and the VDE object that contains the desired document, may use the document.");

3. the secure transmission of such electronic content from one participant to another, using Ginter's system (C302, L3-15).

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Applicant is also directed to other "Examples" illustrated by Ginter, especially the "VDE Protected Content Depositories" section (Col 307-32). As can be seen from this and the above citations, it is clear that Ginter's system allow every single instance of "tailoring information" required to tightly control who gets to access, use, transfer, and otherwise modify electronic content, with the corresponding auditing, reporting, and billing capabilities as well. Therefore it is very obvious that this claimed feature of the invention is not patentable over Ginter.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 3, 6-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ginter in view of Martineau, US Patents No. 5,892,900, and No. 5,915,226 respectively.

As per claim 1:

Both Martineau and Ginter disclose

A method of distributing electronic content (Martineau: Abstract; Figs 1-3, associated description; Col 4, lines 17-38. Ginter: Abstract; Figs 1-2A, 7, 71, associated description; Col 40, line 62 – Col 42, line 3: "...support smart cards..") between first and second terminal devices, said method comprising the steps of:

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(a) storing [authorizing] information in a memory module separate from and releasably attachable to at least the second terminal device (Martineau: Fig 1, associated text; Ginter: C41, L1: "smart cards can dock with an established terminal"), the [authorizing] information defining what electronic content is able to be transferred, a period of time during which the defined electronic content is able to be transferred, and whether the defined electronic content can be transferred by the second terminal device to a further terminal device;

(b) attaching the memory module to the second terminal device (see above citations);

(c) while the memory module is attached to the second terminal device, reading the [authorizing] information from the memory module into the second terminal device (Martineau: C4, L17-38; Ginter: C41, L5-7: "the VDE card and the terminal can securely exchange information relating to a transaction);

(d) comparing the [authorizing] information in the second terminal device with [authorizing] information included with the content (see above citations); and

(e) if the [authorizing] information in the second terminal device compares favorably with the [authorizing] information included with the content, transferring the defined electronic content from the first terminal device to the second terminal device according to the [authorizing] information (see above citations).

Martineau does not specifically recite the term "tailoring information".

(A) However Ginter clearly teaches (see all above citations, including citations in *Response To Arguments* section) that control and access codes may be stored on the smart card defining what electronic content may be transferred: what content can be transferred, if it can be further transferred to a third party, if it can be copied, edited, or have its rules of control and access changed prior to further transfer; when the content can be transferred, the period of time during the content may be accessed, what payment is due for accessing the content, etc., etc. The control and access code may also include, as appropriate, cryptographic keys and digital signatures, for appropriate authentication, verification, and authorization of both parties to the transaction (see both Martineau and Ginter citations above).

Therefore it would have been obvious to one ordinarily skilled in the art at the time the invention was made to have applied Ginter's teachings to a wireless system as disclosed by Martineau in order to provide convenient, safe, secure, versatile, and portable means for delivering and distributing electronic content, as recited in claim 1.

As per claim 15:

Both Martineau and Ginter disclose

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A system for distributing electronic content, comprising: a wireless connection for transmission of electronic content (see above citations; Martineau: Fig 1, associated description; Ginter: Fig 7, associated description; Col 251, lines 4-6);

an element for transferring selected electronic content over the wireless connection according to predetermined [authorizing] information defining electronic content eligible to be transferred from the element, a period of time during which the defined electronic content is able to be transferred and whether the defined electronic content can be transferred by a first terminal device to a further terminal device (see above citations);

a terminal device for receiving electronic content over the wireless connection (see above citations);

a memory module for storing the [authorizing] information, the memory module being separate from and releasably attachable to the first terminal device (see above citations);

attaching means for attaching the memory module to the first terminal device (see above citations);

the first terminal device being adapted to read the [authorizing] information from the memory module and to transmit the [authorizing] information to the element over the wireless connection (see above citations), and

the element being adapted to transfer electronic content to the first terminal device over the wireless connection according to the [authorizing] information (see above citations).

Using the same obviousness and motivation analysis as for claim 1, Ginter in view of Martineau disclose all the limitations of claim 15.

As per claim 16:

Both Martineau and Ginter (see above citations) disclose

A memory module for use with a terminal device, said memory module comprising:

a storage medium for storing [authorizing] information relating to specific electronic content that the memory module authorizes to be transferable to the terminal device, a period of time during which the defined electronic content is able to be transferred and whether the defined electronic content can be transferred by the terminal device to a further terminal device; and an interface for mechanically and electrically coupling the memory module to the terminal device, the memory module being releasably attachable by a user to the terminal device to bring the memory module into mechanical and electrical contact with the terminal device.

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Using the same obviousness and motivation analysis as for claim 1, Ginter in view of Martineau disclose all the limitations of claim 16.

As per claim 3:

Ginter in view of Martineau discloses all the limitations of claim 1.

Ginter further discloses

..before step (d) the method further comprises the additional step of transmitting the [authorizing] information from the second terminal device to a third device (Ginter: see above citations; Figs 77-78, associated description) over a radio frequency link (Ginter: Col 251, lines 4-6); and

step (e) comprises transferring the electronic content to the second terminal device over the radio frequency link (see above citations).

As per claim 6:

Ginter in view of Martineau discloses all the limitations of claim 3.

Ginter further discloses (Col 2: "Controlling Electronic Content"; Col 2, line 46: "...automatically enforce agreed upon rights and obligations.."). Ginter's system also has the capability to determine if data has been stored within the local memory storage and avoid having such data downloaded (see Ginter citations above).

Therefore Ginter meets all the limitations of claim 6:

automatically transferring new electronic content from the first terminal device to the second terminal device, the new electronic content fulfilling the [authorizing] information requirements and being determined to not have been transferred to the terminal device earlier.

As per claim 8:

Ginter in view of Martineau discloses all the limitations of claim 1.

Ginter further discloses (see above Ginter citations)

.. the electronic content includes copies of a periodically published item.

As per claim 9:

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Ginter in view of Martineau discloses all the limitations of claim 1.

Ginter further discloses (see above Ginter citations)

... the memory module is an integrated circuit card.

As per claim 10.

Ginter in view of Martineau discloses all the limitations of claim 9.

Martineau further discloses (Martineau: Col 4, lines 17-38)

...transferring a serial number of the integrated circuit card to the first terminal device;

checking the validity of the integrated circuit card based on the serial number

It would have been obvious to one ordinarily skilled in the art at the time the invention was made to have combined this authentication method as taught by Martineau into the system and method disclosed by Ginter, in order to provide a secure, portable system for delivering content over a wireless network. Such a system would have included the limitations recited above, as well as:

in response to a determination that the integrated circuit card is valid, transferring the electronic content to the second terminal device.

As per claim 11:

Ginter in view of Martineau discloses all the limitations of claim 1.

Ginter further discloses (see above Ginter citations; Ginter: starting at Col 8: "Electronic Content")

.. the electronic content is electronic goods.

As per claim 12:

Ginter in view of Martineau discloses all the limitations of claim 11.

Ginter further discloses (see above Ginter citations)

.. the electronic content is at least one selected from the group consisting of movies, music, games, electronic magazines, periodicals, newspaper, and television news.

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As per claim 13:

Ginter in view of Martineau discloses all the limitations of claim 11.

Ginter further discloses (see above Ginter citations)

.. the electronic content includes a series of movies.

As per claim 14:

Ginter in view of Martineau discloses all the limitations of claim 1.

Ginter further discloses (see above Ginter citations)

.. the electronic content is in the form of electronic services.

As per claim 17:

Ginter in view of Martineau discloses all the limitations of claim 16.

Ginter further discloses

... the memory module is an integrated circuit card (see above Ginter citations).

As per claim 18:

Ginter in view of Martineau discloses all the limitations of claim 17.

Ginter further discloses (see above Ginter citations; especially Col 41, line 17: "The card can be used as an "electronic wallet" and contain electronic currency as well as credit provided by a clearinghouse.")

...the memory module comprises a storage medium for storing electronic money to be used for payment for the specific electronic content.

9. Claims 4-5, 19-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ginter in view of Martineau and further in view of Nokia Mobile Phones Limited (Nokia), International Patent Publication No WO 00/18025.

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As per claim 4:

Ginter in view of Martineau discloses all the limitations of claim 3.

Nokia discloses a portable communication method and system comprising a portable communications device capable of establishing a short-range, low power radio frequency (RF) link with a local terminal and causing data to be transmitted between them (Nokia: Abstract; Figs 1-3, associated description; Page 1, lines 1-24).

Therefore it would have also been obvious to one ordinarily skilled in the art at the time the invention was made to have applied Nokia's short range, low power RF communication method to Ginter's invention, to provide a convenient, economical, yet secure means for delivering digital content over wireless networks to authorized users. Such a method and system would meet all the limitations of claim 4, namely:

A method according to claim 3, wherein the radio frequency link is a short range communication radio frequency link.

As per claim 5:

Ginter in view of Martineau and Nokia discloses all the limitations of claim 4.

Ginter further discloses (see above Ginter citations):

*..sending an inquiry from the second terminal device to the third terminal device;
sending a response to the inquiry from the third terminal device to the second terminal device;
transmitting the [authorizing] information to the third terminal device, and
transferring the electronic content from the first terminal device to the third terminal according to the [authorizing] information received from the second terminal device.*

Nokia discloses:

causing the first terminal device to enter the coverage area of the second terminal device (Nokia: Page 1, lines 21-23; Page 2, lines 4-28).

Therefore it would have also been obvious to one ordinarily skilled in the art at the time the invention was made to have applied Nokia's short range, low power RF communication method to Ginter's invention, to provide a convenient, economical, yet secure means for delivering digital content

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over wireless networks to authorized users. Such a method and system would meet all the limitations of claim 5

As per claim 19:

Both Martineau and Ginter (see above citations; Ginter: Col 40, line 62 – Col 42, line 3: "...support smart cards..") disclose

A terminal device comprising:

a storage device for storing [authorizing] information, the [authorizing] information defining specific electronic content that the storage device authorizes as being transferable to the terminal device, a period of time during which the defined electronic content is able to be transferred and whether the defined electronic content can be transferred by the terminal device to a further terminal device;

an interface for mechanically and electrically coupling the storage device to the terminal device, the interface allowing releasable attachment of the storage device by a user to the terminal device to bring the storage device into mechanical and electrical contact with the terminal device;

means for reading the [authorizing] information from the storage device into the terminal device when the storage device is in mechanical and electrical contact with the terminal device;

Neither Martineau nor Ginter specifically disclose the use of a transceiver.

Nokia discloses a portable communication method and system comprising a portable communications device capable of establishing a short-range, low power radio frequency (RF) link with a local terminal and causing data to be transmitted between them, using transceivers located in each such device (Nokia: Abstract; Figs 1-3, associated description; Page 1, lines 1-24).

It would have been obvious to one ordinarily skilled in the art at the time the invention was made to have applied Nokia's short range, low power RF communication method to either Martineau's or Ginter's inventions, to provide a convenient, economical, yet secure means for delivering digital content over wireless networks to authorized users. Such a method and system would meet all the limitations of claim 19, including comprising:

a transceiver for transmitting the [authorizing] information by wireless communication in order to authorize transfer of the specific electronic content to the terminal device.

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As per claims 20-22.

Using the obviousness and motivation analyses and the citations already made for claims 1, 15, 16, and 19, Ginter in view of Martineau disclose most of the limitations of claims 20-22:

Nokia discloses a portable communication method and system comprising a portable communications device capable of establishing a short-range, low power radio frequency (RF) link with a local terminal and causing data to be transmitted between them (Nokia: Abstract; Figs 1-3, associated description; Page 1, lines 1-24).

Nokia does not use the term "access point". However Nokia does disclose that a device within their system may be used as a wireless "gateway" for another device to access to a Public Telephone Switching Network (PTSN) (Page 5, lines 13-18, Fig 3). It would have been obvious to one ordinarily skilled in the art at the time the invention was made to have configured any of Nokia's terminals with the proper software and hardware to make them into "access points", so that portable devices may access the network when coming into proximity of such devices.

Therefore it would have also been obvious to one ordinarily skilled in the art at the time the invention was made to have applied Nokia's short range, low power RF communication method to either Martineau's or Ginter's inventions, to provide a convenient, economical, yet secure means for delivering digital content over wireless networks to authorized users. Such a method and system would meet all the limitations of claims 20-22, namely:

[20] A method of distributing electronic content between first and second terminal devices, said method comprising the steps of:

(a) storing [authorizing] information in a memory module separate from and releasably attachable to the first terminal device and the second terminal device, the [authorizing] information defining what electronic content is able to be transferred, a period of time during which the defined electronic content is able to be transferred, and whether the defined electronic content can be transferred by the second terminal device to a further terminal device;

(b) attaching the memory module to the first terminal device;

(c) while the memory module is attached to the first terminal device, reading the [authorizing] information into the first terminal device;

(d) transferring electronic content from an access point to the first terminal device according to the [authorizing] information;

(e) attaching the memory module to the second terminal device;

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(f) while the memory module is attached to the second terminal device, reading the [authorizing] information from the memory module into the second terminal device; and

(g) transferring the electronic content from the first terminal device to the second terminal device according to the [authorizing] information.

[21] A method of distributing electronic content between first and second terminal devices, said method comprising the steps of:

(a) storing [authorizing] information in a memory module separate from and releasably attachable to the first terminal device, the [authorizing] information defining what electronic content is able to be transferred, a period of time during which

the defined electronic content is able to be transferred, and whether the defined electronic content can be transferred by the second terminal device to a further terminal device;

(b) attaching the memory module to the first terminal device;

(c) while the memory module is attached to the first terminal device, reading the tailoring information from the memory module into the first terminal device;

(d) transferring electronic content from an access point to the first terminal device according to the [authorizing] information; and

(e) transferring the electronic content from the first terminal device to the second terminal device according to the [authorizing] information.

[22] A method of distributing electronic content between first and second terminal devices, said method comprising the steps of:

(a) storing [authorizing] information in a memory module separate from and releasably attachable to the second terminal device, the [authorizing] information defining what electronic content is able to be transferred, a period of time during which the defined electronic content is able to be transferred, and whether the defined electronic content can be transferred by the second terminal device to a further terminal device;

(b) attaching the memory module to the second terminal device;

(c) while the memory module is attached to the second terminal device, reading the [authorizing] information from the memory module into the second terminal device;

(d) transferring electronic content from an access point to the first terminal device according to the [authorizing] information; and

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(e) transferring the electronic content from the first terminal device to the second terminal device according to the [authorizing] information.

As per claims 23-24.

Using the obviousness and motivation analyses and the citations already made for claims 1, 15, 16, and 19, Ginter in view of Martineau and Nokia disclose all of the limitations of claims 23-24:

[23]. A method of distributing electronic content between first and second terminal devices, said method comprising the steps of:

(a) storing [authorizing] information in a first memory module separate from and releasably attachable to the first terminal device, the [authorizing] information defining what electronic content is able to be transferred, a period of time during which the defined electronic content is able to be transferred, and whether the defined electronic content can be transferred by the second terminal device to a further terminal device;

(b) attaching the first memory module to the first terminal device;

(c) while the first memory module is attached to the first terminal device, reading the [authorizing] information from the first memory module into the first terminal device;

(d) storing the [authorizing] information in a second memory module separate from and releasably attachable to the second terminal device;

(e) attaching the second memory module to the second terminal device; (f) while the second memory module is attached to the second terminal device, reading the [authorizing] information from the second memory module into the second terminal device;

(g) comparing the [authorizing] information in the first terminal device with the [authorizing] information in the second terminal device; and

(h) if the [authorizing] information in the first terminal device compares favorably with the [authorizing] information in the second terminal device, transferring the defined electronic content from the first terminal device to the second

terminal device according to the [authorizing] information.

[24]. A method of distributing electronic content between first and second terminal devices, the terminal devices having an ability to communicate with each other over a wireless short range connection, said method comprising the steps of:

(a) storing [authorizing] information in a memory module separate from and releasably attachable to at least the second terminal device, the [authorizing] information defining what electronic content is able to be transferred, a period of time during which the defined electronic content is able to be

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transferred, and whether the defined electronic content can be transferred by the second terminal device to a further terminal device;

(b) attaching the memory module to the second terminal device;

(c) while the memory module is attached to the second terminal device, reading the tailoring information from the memory module into the second terminal device;

(d) establishing a wireless short-range connection between the first and the second terminal devices;

(e) transferring the defined electronic content from the first terminal device to the second terminal device according to the [authorizing] information.

As per claim 25.

None of the references mention

The method according to claim 24, wherein step (e) comprises transferring the electronic content in a push-mode.

However, push and pull modes for delivering content are well-known techniques for delivering digital content over a communications network. Therefore it would have been obvious to one ordinarily skilled in the art at the time the invention was made to add this feature to the system, in order to serve targeted content such as news updates or promotional material to authorized users, thus avoiding the need for the users to actively get online and search for content themselves. Such a system would meet all the limitations of claim 25.

As per claim 26.

Ginter in view of Martineau and Nokia disclose all the limitations of claim 24.

Nokia (Page 1) discloses the Bluetooth wireless protocol as a popular wireless protocol.

It would have been obvious to one ordinarily skilled in the art at the time the invention was made to add this feature to the system, in order to provide a versatile, well supported wireless transport protocol, which can then be shared between many different devices and carriers. Such a system would meet the further limitation of claim 26:

the wireless short range connection is a Bluetooth connection.

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As per claim 27.

Ginter in view of Martineau and Nokia disclose all the limitations of claim 24.

Nokia further discloses

detecting the second terminal device (Page 5, L25-28).

It would have been obvious to one ordinarily skilled in the art at the time the invention was made to add this feature to the system, in order to cause an automatic link when two wireless devices come close together, therefore negating the need for the user to actively seek out and establish a connection on his/her own.

As per claims 28-31.

Using the same obviousness and motivation analysis as for claims 1, 15, 16, 19-27, Ginter in view of Martineau and Nokia further disclose all the limitations of these claims (see all above citations).

[28] *The method according to claim 27, wherein detecting the second terminal device includes transmitting an inquiry over the wireless short range connection.*

[29]. *The method according to claim 28, wherein detecting the second terminal device further includes receiving a response to the inquiry from the second terminal device.*

[30]. *The method according to claim 24, wherein the first terminal device is an access point.*

[31]. *The method according to claim 24, further comprising transferring the electronic content from the second terminal device to a further terminal device.*

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date

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of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Q Le whose telephone number is 703-305-4567. The examiner can normally be reached on 8:30am-5:30pm Mo-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9308. *for a letter - per web site - 5/16/04 - P10*

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

DQL


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